

DIVISION II

NOT DESIGNATED FOR
PUBLICATION

CA05-1206

APRIL 19, 2006

PAULA KUETTLE

APPELLANT

APPEAL FROM THE WORKERS'
COMPENSATION COMMISSION
[F403904]

v.

IC CORPORATION

APPELLEE

AFFIRMED

Appellant, Paula Kuettle, appeals the decision of the Arkansas Workers' Compensation Commission denying her benefits for injury to her neck, her mid-back, and her lower back on June 30, 2003, alleging that the Commission's decision is not supported by substantial evidence. We find no error and affirm.

Appellant prepared buses for painting by using paper and tape to cover areas to be left unpainted. On June 30, 2003, she and her fellow employees were cleaning up their work areas prior to a plant shut-down. Appellant's co-worker witnessed appellant's fall and testified that appellant lost her balance on the ladder, fell over backwards and hit the concrete floor. Appellant testified that as a result of her accident, she injured her right ankle, head, neck, mid-back, and low-back. She acknowledged that her ankle problem had resolved just over a week after the incident, and that she did not have any problems with her head. On direct examination, she acknowledged prior neck problems, resulting in a fusion at C5-6 in August of 2001. She further testified that she had not had any prior problems with her low or mid-back. However, upon cross-examination, she acknowledged a sprain or pull in her low-back during previous employment and confirmed that her mid- and low-back injuries have been the most severe, and

that she sought treatment for these injuries. She also testified that she experienced recurrent spasms in her neck and shoulders prior to her June 30, 2003 incident.

Questions concerning the credibility of witnesses and the weight to be given to their testimony are within the exclusive province of the Commission. *Arkansas Department of Health v. Williams*, 43 Ark. App. 169, 863 S.W.2d 583 (1993). **In reviewing decisions from the Workers' Compensation Commission, we view the evidence and all reasonable inferences deducible therefrom in the light most favorable to the Commission's findings, and we affirm if the decision is supported by substantial evidence.** *Wal-Mart Stores, Inc. v. Sands*, 80 Ark. App. 51, 91 S.W.3d 93 (2002). **Substantial evidence is that which a reasonable person might accept as adequate to support a conclusion.** *Olsten Kimberly Quality Care v. Pettey*, 328 Ark. 381, 944 S.W.2d 524 (1997). **The question is not whether the evidence would have supported findings contrary to the ones made by the Commission; there may be substantial evidence to support the Commission's decision even though we might have reached a different conclusion if we sat as the trier of fact or heard the case *de novo*.** *CDI Contractors v. McHale*, 41 Ark. App. 57, 848 S.W.2d 941 (1993). **We will not reverse the Commission's decision unless we are convinced that fair-minded persons with the same facts before them could not have reached the conclusions arrived at by the Commission.** *White v. Georgia-Pacific Corp.*, 339 Ark. 474, 6 S.W.3d 98 (1999).

The only substantial question in this appeal is the sufficiency of the evidence, and the Commission's findings of fact, conclusions of law, and opinion adequately explain the decision. Having determined that the Commission's findings are in fact supported by substantial evidence, **we affirm by memorandum opinion.** *See In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985).

Affirmed.

BIRD and NEAL, JJ., agree.